

# SALT LAKE MAN IS EXCELLENT WITNESS FOR HIS SUPERIOR

## FRANK PIERCE ON THE STAND

Assistant Secretary of the Interior Testifies in Pinchot-Ballinger Controversy Before the Senate Committee.

### HIS CROSS-EXAMINATION QUESTION FOR COMMITTEE

Witness Defends Department Well and Takes Responsibility for Several Actions That Are Being Attacked.

### OTHER WITNESSES HEARD

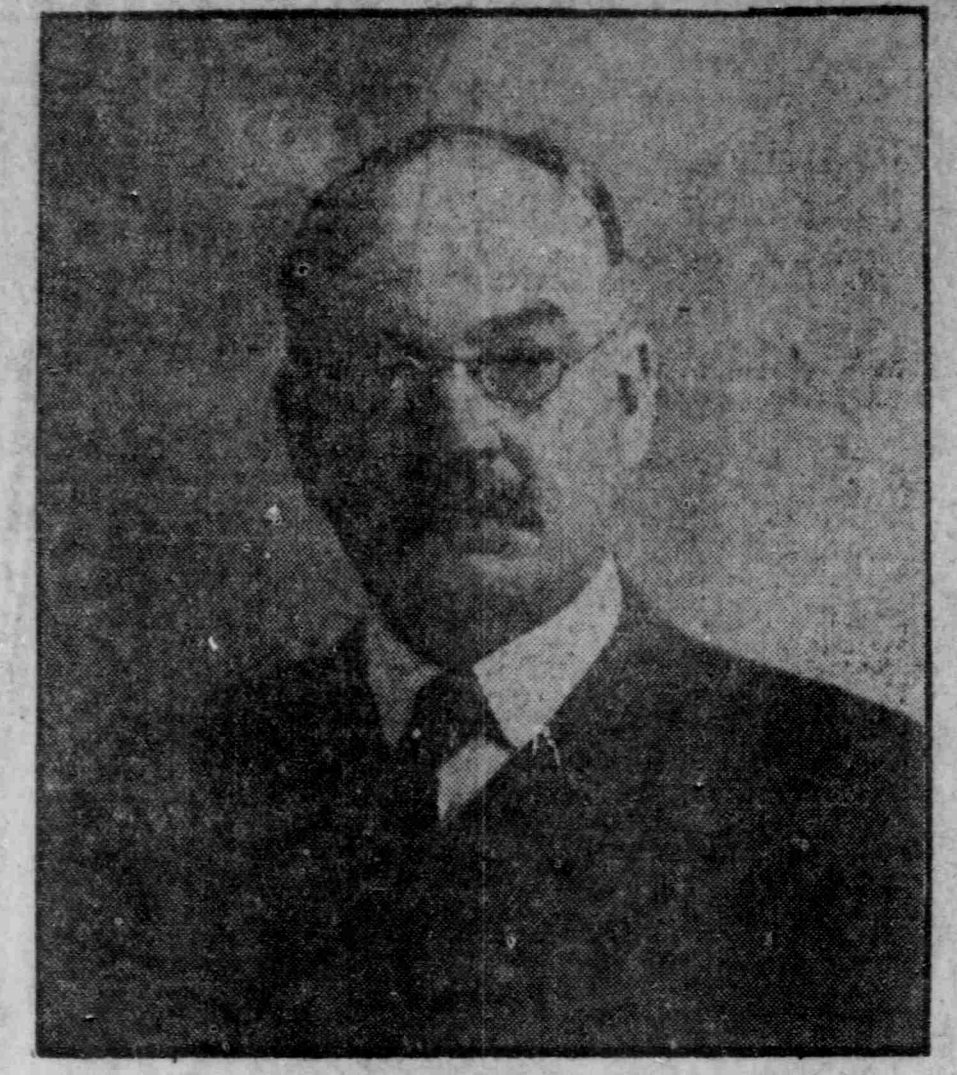
WASHINGTON, April 15.—The "prosecution" in the Pinchot-Ballinger controversy, which is being heard by the congressional investigating committee that it was holding its big guns in reserve until Secretary Ballinger takes the stand.

Attorney Brandeis sought permission to defer the cross-examination of Frank Pierce, assistant secretary of the interior, who concluded his testimony today, until after he had an opportunity to question Secretary Ballinger.

The committee appeared to be divided as to whether Mr. Brandeis should be allowed to recall witnesses for the "defense" after they had been excused from the stand.

It was decided to defer the decision until tomorrow because of the scant attendance of the committee.

When Senator Sutherland expressed the opinion that the request was a most unusual one, Mr. Brandeis replied that, as he had been denied the privilege of calling Ballinger as his witness, he thought it no more than right he should be allowed to cross-examine Mr. Ballinger before questioning his subordinates. In his opinion Senator Pinchot had crossed-examined Mr. Ballinger, and he might decide it was unnecessary to question Mr. Pierce and others of his office.



FRANK PIERCE, Assistant Secretary of the Interior, Who Was the Star Witness Yesterday at Pinchot-Ballinger Investigation.

# \$100,000 DAMAGE TO FRUITS BY FROSTS

## Neglect to Use Smudges or Orchard Heaters Cost Raisers of Fruit Part of Their Crops

FRUIT in Salt Lake county was damaged upwards of \$100,000 by the heavy frost of Thursday night, and in most cases, except where smudging was done, whole crops of peaches, apricots, pears and early apples have been absolutely ruined.

This is the report of Joseph C. Stuy, county horticultural inspector, who received word yesterday from deputies and fruit men throughout the county. In all sections, but especially on the bench lands, the frost worked havoc with the fruit.

This makes the second year that the crops of Salt Lake county have been practically ruined, and it will be a heavy blow to the fruit growers.

Apricots were damaged by a frost several weeks ago, as the blossoms of this tree come out early, but the frost of Friday night practically wiped out the whole crop. Peaches will be almost wholly destroyed, as well as pears and early apples. In the case of late apples, Mr. Stuy said, the trees had not come out far enough to feel the full effect of the killing frost, and these will bear well, unless harmed by later frosts.

Throughout the state the damage to fruit was severe. From Springfield to the south to Logan on the north the frost killed the trees where smudging was not done by the fruit growers, and it is estimated that upwards of a half million dollars damage was done Thursday night. There was another slight frost last night, but it is believed it will not do a great deal of damage, though this will not be known until tomorrow.

Mr. Finney took on his own shoulders the responsibility for the letters written to Senator La Follette, in which Mr. Ballinger was quoted as saying the water power sites withdrawn under the Garfield administration had been restored on recommendation of the reclamation service. Officials of the reclamation service denied making such recommendation. Mr. Finney said he had prepared the letters by the direction of Mr. Ballinger, but he did not know whether Mr. Ballinger had read them, although Mr. Finney said he had a letter to the committee dated January 15, 1910, in which he said he had read them.

(Continued on Page Seven.)

# JURY LOOKS GOOD TO HYDE WHOSE TRIAL BEGINS TODAY

## Twelve Men Selected to Decide Whether Poison Was Given Col. Swope

Kansas City, April 15.—A jury was selected shortly after 6 o'clock tonight to try Dr. B. C. Hyde on a charge of murdering the late Colonel Thomas H. Swope. Just as the twelve men were taking seats in the jury box, a telephone message to Prosecutor Virgil Conkling announced that Dr. C. T. Twyman, one of the material witnesses for the state, had been stricken with appendicitis and was being taken to a hospital for an operation. So little is known about his condition that it cannot be said now whether the trial will be delayed by his illness.

Frank Claypool, a jurymen, developed an affected eye after being temporarily chosen. A physician is attending him, but it is not believed the affliction is serious.

When the jury filed into its place, Dr. Hyde watched the men carefully and noted the characteristics of each. He knew every face and called the men by name in speaking of them.

"This jury looks all right to me," he said. "I know I shall obtain a fair trial."

Prosecutor Conkling said that the trial would be ready to deliver the opening statement in the case tomorrow morning. If Dr. Twyman's illness proves serious, the trial may be delayed.

According to the prosecutor, all the witnesses subpoenaed by the state—forty-two—will testify at the trial. Rumors have been current that certain members of the Swope family would not take the stand.

Morning sessions of court will be from 9:30 to 12 and afternoon sessions 2 to 5. The attorneys have protested against holding night sessions where smudging is not done by the fruit growers, and it is estimated that upwards of a half million dollars damage was done Thursday night. There was another slight frost last night, but it is believed it will not do a great deal of damage, though this will not be known until tomorrow.

Dr. E. E. Smith of New York will be the toxicologist who will direct for the defense the fight on the testimony of witnesses who are to testify for the state. Dr. Smith has been here for three weeks coaching counsel for the defense. He has been assisted by Dr. Walter M. Cross and by Dr. J. W. Perkins.

The depositions taken from members of the Swope family in the suit for alleged slander, filed by Dr. Hyde, will never be signed, according to attorneys for the prosecution. They were not signed when taken. The reason given by the Swope attorneys for their refusal to permit the witnesses to sign them, is that the evidence was given before Notary George Kelly, a law partner of R. R. Brewster, one of the counsel for defendant, and are, therefore, illegal, they say.

# SEEK HAVE REEUSE P

Ugly Charges Made Against Consolidated Casualty Company, Recently Reorganized Under West Virginia Laws.

## NAME OF FRANK KNOX USED BY THE PROMOTERS

Salt Lake Banker Appointed as a Director, But Never Qualified, and is Indignant Over Being Dragged Into Case.

### STATEMENT OF PROMOTER

CHARLESTON, W. Va., April 15.—That the active managers of the Consolidated Casualty company before its reorganization here this week under the direction of the insurance department of West Virginia collected \$757,145 in one year and one month, of which only \$191,397 remains, that they made false entries on the books of the company and false returns to the insurance department of this state, are some of the charges contained in the report of John D. Roche of New York, consulting actuary to the insurance department, which was made public today. The company was chartered in West Virginia about two years ago. The administrative offices have been in Chicago.

The actuary's report states that the condition of the company's books is such that a correct audit is almost impossible.

The report says those having charge of the management of the company owned but 15 shares of stock and that in the name of the president. Through there was a resolution passed that directors must be stockholders, the following directors are not shown on the books as stockholders: M. H. Bouelle, Minneapolis; H. Burras and Mitchell D. Pollansbee, Chicago; H. W. Huttig, Muscatine, Ia.; Frank Knox, Salt Lake; James H. Peabody, Denver.

Armstrong Explains.

Chicago, April 15.—Replying to charges of mismanagement and falsification of accounts made today against Robert B. Armstrong, former president of the Consolidated Casualty company, by John D. Roche, the actuary, at Charleston, W. Va., Mr. Armstrong tonight issued the following statement:

The report of Mr. Roche reflects the hostility which the company has encountered from its inception. For practically two years there has been a persistent effort to discredit the company. These hostile methods of the competitors of the company were encouraged by the insurance department. I have been warned scores of times that the Consolidated had of non-existing business was to be put out of business. The president of the surety trust told me, the day after the consolidation, that continuing in business was to join the surety association. More recently I was warned that the failure to maintain rates would mean annihilation of the Consolidated.

The plan was equipped to occupy a field which was closed to the company. The plan was to do business along a number of lines which the opposition to the company prevented.

The statement of Mr. Roche is untrue in many particulars. Without having access to the records, I should say the item of income for the year 1909 was \$757,145. (Continued on Page Seven.)

### EXPORTS OF FOODSTUFFS

## Great Falling off in Value During the Present Fiscal Year, Although Prices Are Higher.

WASHINGTON, April 15.—Exports of foodstuffs from the United States for the nine months of the fiscal year 1910, ending last March, will amount to about \$230,000,000 in value, according to the estimate of the department of commerce and labor, as against more than \$450,000,000 in 1909, \$500,000,000 in 1908 and more than \$500,000,000 in 1907.

The report shows that the foodstuffs were higher in price last year, while in many cases the exports were less than half what they had been in previous years.

The number of cattle exported in the nine months was about 127,000, indicating for the full fiscal year about 170,000. In 1904 the cattle exports were 303,000. The value of cattle exports in 1910 will be approximately \$18,000,000, compared with more than \$42,000,000 in 1904.

Practically the same ratio of decrease prevails in all foodstuffs. The quantity of wheat exported in the fiscal year 1910 will aggregate about 50,000,000 bushels, against 127,000,000 in 1909, the high record. The average export value for 1910 was \$1.08 a bushel, against 73 cents in 1902.

The value of exports of manufactures has increased and will approximate \$700,000,000, against \$450,000,000 in 1909, \$500,000,000 in 1908 and \$170,000,000 in 1907, thus bringing the value of all exports for 1910 within \$150,000,000 of the high record of 1907 and 1908.

### STRIKE THREATENED ON THE LACKAWANNA

## Ultimatum Given the Management by the Various Brotherhoods Employed.

Scranton, Pa., April 15.—M. W. Cadell, vice president of the Brotherhood of Locomotive Engineers, is expected here tomorrow to give his endorsement to the ultimatum given the management of the Delaware, Lackawanna & Western railroad by President J. E. Garrettson and W. G. Lee of the Conductors' and Trainmen, on behalf of the employees of that road.

Meanwhile the company officials, the grand lodge men declare, must accept the award to be handed down by the arbitrators. The company officials today by a firm issued calling out conductors, trainmen, engineers and firemen on the entire Lackawanna system.

President Garrettson and Lee said they would hold no further conferences with General Superintendent T. E. Clark of the Lackawanna.

The engineers and firemen of the Lackawanna have approved the stand taken by the conductors and trainmen.

In reply to the ultimatum of the men, Superintendent Clark has issued a statement in which he agrees to arbitrate, but not to wait the award of the New York Central arbitrators and then determine its application to the Lackawanna.

Cleveland, April 15.—A long distance telephone message from President W. G. Lee of the Brotherhood of Railway Trainmen at Scranton says the federal railroad organizations may be ordered on strike against the Delaware, Lackawanna & Western railroad within forty-eight hours.

President Lee informed the union officers here the railroad had declined an offer of arbitration.

### STRICKEN FROM RECORD

## Statements Made by Representative Rainey of Illinois Challenged by Mr. Bennett of New York.

WASHINGTON, April 15.—The declaration of Representative Rainey of Illinois in the House yesterday that the attorney general had read into the records, in violation of the rules of the House by Mr. Bennett of New York, a letter concerning the attorney general's connection with the "sugar trust," caused Mr. Bennett to take the floor as soon as the journal had been read today.

Acknowledging that he was present when this remark was made, although not hearing it, Mr. Bennett challenged the statement that he had violated a rule of the House and moved that the language be stricken from the record as untrue and objectionable to him.

Mr. Rainey insisted that his statement was not only correct, but being made in the presence of the House without objection, could not be stricken out.

The attorney general's connection with the restrictions of the constitution better than to have sent a statement to the House.

A point of order on Mr. Bennett's motion being sustained by the speaker, Mr. Bennett defended his action, claiming that as he had previously consented to read the attorney general's letter, he had not violated a rule.

# ROOSEVELT GREETED ROOSEVELT LIKE A BROTHER SOVEREIGN



Francis Joseph, Emperor of Austro-Hungary, and Handsome Room in the Hofburg Palace, Where He Received Col. Roosevelt.

# BOB SHELL FIRED BY CITY ENGINEER

## Tells Public Works Board Its Inspection System Is "Rotten" and Is Ready to Prove It

JUST when members of the board of public works were telling the staff of inspectors they were wonderfully efficient men, and when the inspectors were patting the board members on the back, City Engineer George F. McGonagle broke up the special meeting last night in the board rooms by declaring the inspection work in Salt Lake is "rotten," and that he would not stand for any inspectors presuming to state what the specifications should contain and suggest remedies.

"I just want to say a few words, Mr. Chairman," said the city engineer, after listening to several talks from inspectors. "Those specifications are drawn up in the city engineer's office by men who know what they are doing. It is not up to the inspector to figure whether it is right or wrong—he has the specifications to follow. Our specifications are the same as any other big city of the United States. The inspection here is rotten and there's no use doing it. That should be a change."

The arraignment of the inspectors as a whole, coming after the little pink protest by the board of works, broke up the meeting, amid assurances from W. J. Halloran and other board members that the city engineer did not reflect the views of the board, but that they believed the inspectors are all competent and are doing good work. But the city engineer stood his ground and declared later that many of the inspectors in the employ of the board did not know the meaning of the specifications. When he said what was on his mind, the city engineer backed away from the table around which the members of the board were sitting and did not discuss the matter more.

All of the inspectors of the board were called into the meeting last night for the purpose of discussing the work now in progress and the need for good work from the men in making the public improvements work in the city during the last few days and they cited instances where some of the clauses in the specifications were not being enforced.

So much confidence was expressed in the ability of the inspectors to handle the work that one of them took occasion to declare the specifications could be made. This was in regard to sewer pipe on the north bench. He said it was not practical to leave the trench open for 48 hours before backfilling was started and that it was also foolish to let the joints dry for 12 hours. He said if the trench was left open children rolled boulders and mud upon that in the trench, causing much damage.

It was this statement, declaring the specifications to be foolish, which brought out the reply of the city engineer.

The meeting between the members of the board and the inspectors, is the first ever held. Most of the inspectors for the annual examination by the auditor.

Baehr, the books show, had used \$644 to pay his own tax bills. The report of the accountants say other employees in the city treasurer's office knew of the shortage, although they did not profit by it. One of the exhibits in the investigation is Baehr's check for \$200, returned from a bank marked "insufficient funds." This check, the report says, was carried on the books as cash.

CONFIRMED BY SENATE.

(Special to The Herald-Republican by Washington, April 15.—The Senate confirmed today the nomination of William J. Baehr of Kansas City, Mo., as city treasurer of Salt Lake City. Baehr, formerly city treasurer of Kansas City, who died recently, was short in his accounts \$65,450 and was reported to have been a defaulter. The report of accountants, the report says, showed the discrepancies found in the books date from April 20, 1908. From April 28, 1908, to April 18, 1909, a shortage of \$18,000 was carried. The report says the \$18,000 was replaced on the last named date to make the books balance for the annual examination by the auditor.

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# MARTIN ON THE WARPATH

## Colorado Congressman Asked for Information and is Not Satisfied Now That He Has It.

WASHINGTON, April 15.—Representative Martin (Democrat) of Colorado, who for weeks has been waging a fight in the House to show the friar lands of the Philippine Islands are being seized by the "sugar trust" with the acquiescence of Attorney General Wickham and the war department, tonight gave to the press an interview in which he reviews his efforts, assails the government officials alleged to be involved, charges that information that would prove his contention is being withheld by the war department and demands a full congressional inquiry into the matter.

Mr. Martin characterizes the action of the Republican majority of the House yesterday in defeating his resolution calling upon the war department for information on the sale of the friar lands as a "blatant movement to prevent a number of alleged discrepancies in the reports sent by the war department to the House committee on insular affairs, to the friar lands transaction, and to accuse the government officials of duplicity."

The day included an official visit by the emperor to the Hofburg Palace, where the monarch usually passes his night, and was only deferred from the morning by a sudden storm that broke out in the afternoon. Therefore he was compelled to send his aide-de-camp, such as he is, to the Hofburg Palace, where he is only permitted to remain for a short time.

Per Colonel Roosevelt, the call of the emperor was only the main feature of a busy day which began immediately after he reached his hotel this morning with a breakfast table set for him by the Austrian ambassador to France, who had not been in Vienna since he began his diplomatic career here twenty-seven years ago and President Taft's other who was an American minister.

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# DISCOURTESY NOW BRINGS BLUSH OF SHAME TO CHEEKS

## National Woman Suffrage Association Sends Apologies to the President

WASHINGTON, April 15.—Disclaiming responsibility for the missing of the President last night when, in his address he freely stated his sentiments on woman suffrage, the National Woman Suffrage association today officially expressed to President Taft its regret that "anyone present, either member of our organization or outsiders, should have interrupted your address by an expression of personal feeling."

The expression of regret over the episode was conveyed to the President in a letter from the officers which received the unanimous approval of the convention and which accompanied a resolution thanking the President for his welcome, adopted without a dissenting voice as soon as it was called to order today.

The situation throughout the day was such that with expectancy and on two occasions when the episode was mentioned on the floor the situation bordered on the dramatic. The delegates assembled on the platform, and a dinner given by the National Woman Suffrage association was interrupted by a number of persons who came to the attention of the President.

As soon as the President's address was over, the National Woman Suffrage association sent a letter to the President, in which they expressed their regret for the missing of the President last night when, in his address he freely stated his sentiments on woman suffrage, the National Woman Suffrage association today officially expressed to President Taft its regret that "anyone present, either member of our organization or outsiders, should have interrupted your address by an expression of personal feeling."

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# CITY TREASURER SHORT

## Peculations of William J. Baehr of Kansas City, But Recently Deceased, Amount to \$63,480.

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